



1AP7 Rec'd PCT/PTO 28 AUG 2006

IN THE  
UNITED STATES  
PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Swoboda

CASE: OST-051301

SER. NO.: 10/565,746

FILING DATE: January 23, 2006

FOR: DEVICE FOR HARDENING THE COATING  
OF AN OBJECT, CONSISTING OF A  
MATERIAL THAT HARDENS UNDER  
ELECTROMAGNETIC RADIATION, MORE  
PARTICULARLY AN UV PAINT OR A  
THERMALLY HARDENING PAINT

RESPONSE TO  
MISSING  
REQUIREMENTS  
UNDER 35 U.S.C.  
§ 371

Mail Stop Missing Parts  
COMMISSIONER  
FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION OF: Not Yet Assigned

EXAMINER: Not yet Assigned

Dear Examiner:

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office, mailed June 28, 2006, a copy of which is attached.

The Notice indicated that the executed Declaration was missing. In response, Applicant herewith submits the fully executed Declaration with a Power of Attorney included therein.

Attached also is a certified copy of the English language translation of the application, along with a Preliminary Amendment.

Furthermore, Applicant submits herewith a fully executed Assignment, Recordation Form Cover Sheet and the Assignment fee. Accordingly, a check in the amount of \$1,090.00 is

FACTOR & LAKE, LTD.  
1327 W. Washington Blvd  
Suite 5G/H  
Chicago, IL 60607  
(312) 226-1818 Telephone  
(312) 226-1919 Facsimile

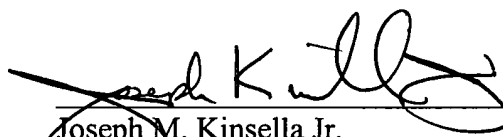
Jody L. Factor	34157
Micheal D. Lake	33727
Edward L. Bishop	39110
Joseph M. Kinsella Jr.	45743
Nick S. Lee	54260

included herewith to cover the filing fee for 21 extra claims (\$1,050.00), and the assignment fee (\$40.00).

Applicant believes that no additional fees are required with this communication; however, if any additional charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

Respectfully submitted,

Date: August 22, 2006

  
Joseph M. Kinsella Jr.  
Reg. No. 45,743  
One of Applicant's Attorneys

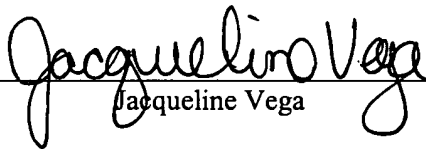
#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 22, 2006.

09/01/2006 GFREY1 00000079 10565746

01 FC:1615

1050.00 OP

  
Jacqueline Vega

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1,090.00**Complete if Known**

Application Number	10/565,746
Filing Date	January 23, 2006
First Named Inventor	Swoboda
Examiner Name	Not yet assigned
Art Unit	Not yet assigned
Attorney Docket No.	OST-051301

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-0545 Deposit Account Name: FACTOR & LAKE, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
41 - 20 or HP = 21	x 50	= 1050	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1 - 3 or HP = 0	x 0	= 0	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	


**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Assignment recordation fee**Fees Paid (\$)**

40.00

**SUBMITTED BY**

Signature 	Registration No. (Attorney/Agent) 45,743	Telephone 312-226-1818
Name (Print/Type) Joseph M. Kinsella Jr.	Date August 22, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,746	Werner Swoboda	OST-051301

22876  
 FACTOR & LAKE, LTD  
 1327 W. WASHINGTON BLVD.  
 SUITE 5G/H  
 CHICAGO, IL 60607

INTERNATIONAL APPLICATION NO.	
PCT/EP04/07643	
I.A. FILING DATE	PRIORITY DATE
07/10/2004	07/24/2003

CONFIRMATION NO. 2595  
 371 FORMALITIES LETTER  
  
 \*OC000000019413181\*

Date Mailed: 06/28/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/23/2006
- Copy of the International Search Report filed on 01/23/2006
- Oath or Declaration filed on 01/23/2006
- U.S. Basic National Fees filed on 01/23/2006
- Priority Documents filed on 01/23/2006
- Specification filed on 01/23/2006
- Claims filed on 01/23/2006
- Abstracts filed on 01/23/2006
- Drawings filed on 01/23/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,746	PCT/EP04/07643	OST-051301

FORM PCT/DO/EO/905 (371 Formalities Notice)